

## PROPOSED REGULATORY TEXT

Proposed additions are indicated by underline and deletions are indicated by ~~striketrough~~.

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. ~~BOARD OF PRISON TERMS~~ BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION PROCEDURES for LIFE PRISONERS and  
NONLIFE 1168 PRISONERS

Introduction of 15 CCR § 2276 to read as follows:

§ 2276. Penal Code 3000.1 Proceedings.

(a) General. Penal Code section 3000.08(h) provides that persons on parole for specified crimes, who following a lawful determination that the person has committed a violation of law or violated his or her conditions of parole, shall be remanded to the custody of the Department of Corrections and Rehabilitation and remanded to the jurisdiction of the Board of the Parole Hearings for future parole consideration. Parolees who are subject to remand upon a lawful determination are specified as follows: a) parolees convicted of crimes listed in Penal Code section 3000(b)(4) where the crime was committed on or after September 9, 2010; b) parolees convicted of crimes listed in Penal Code section 3000.1(a)(1) where the crime was committed on or after January 1, 1983; and c) parolees convicted of crimes listed in Penal Code section 3000.1(a)(2) where the crime was committed on or after September 9, 2010. These Board of Parole hearings are collectively referred to as Penal Code section 3000.1 proceedings.

(b) Lawful Determination. Parole violation charges are adjudicated by the court in accordance with Penal Code section 1203.2, or by another lawful authority for multijurisdiction parolees. Upon the lawful determination that a parolee has committed a violation of law or violated a condition of parole, the matter is remanded to the Board of Parole Hearings for a Penal Code section 3000.1 initial hearing.

(c) Penal Code section 3000.1 initial hearings. A Penal Code section 3000.1 initial hearing shall be held by the Board of Parole Hearings on the next available calendar, but no later than 12 months following a lawful determination that a parolee has committed a violation of law or violation of condition of parole. At a Penal Code section 3000.1 initial hearing, the Board shall consider the violation of law or violation of condition of parole in the context of the parolee's history and all relevant suitability factors of California Code of Regulations, title 15, section 2402. The Board shall not retry the evidentiary findings of the court or other lawful authority. The Board shall grant parole unless it determines that the circumstances and gravity of the violation of law or violation of condition of parole are such that consideration of the public safety requires a more lengthy period of incarceration.

(d) Penal Code section 3000.1 annual parole consideration hearings. Within one year of a Penal Code section 3000.1 initial hearing, parolees who do not have a parole grant and who are not

otherwise ineligible for release shall receive a Penal Code section 3000.1 annual parole consideration hearing. At a Penal Code section 3000.1 annual parole consideration hearing, the Board shall grant parole in accordance with Penal Code section 3041 and California Code of Regulations, title 15, section 2402. A parolee who does not have a parole grant and who is not otherwise ineligible for release shall continue to receive Penal Code section 3000.1 annual parole consideration hearings each year until he or she receives a parole grant.

(1) Ineligible for Release. For purposes of Penal Code section 3000.1 proceedings, a parolee is ineligible for release if the parolee is serving a separate indeterminate term, or until the parolee reaches the third year prior to his or her earliest possible release date while serving a separate determinate term, or the parolee is incarcerated under other similar circumstances.

(2) Earliest Possible Release Date. The earliest possible release date is calculated by the California Department of Corrections and Rehabilitation. Using the inmate's maximum release date, it is a calculation of the earliest date the inmate could be released, accounting for all of the credits earned and lost by the inmate, and including a projection of the inmate continuing to earn credits until released.

(e) Parole Grant. A parole grant at a Penal Code section 3000.1 proceeding is a finding by the Board the parolee is eligible for release. Despite a parole grant, the parolee may continue to be incarcerated if serving a separate sentence or if subject to the jurisdiction of another authority.

(f) Notice. Prior to any Penal Code section 3000.1 proceeding, notices shall be sent pursuant to Penal Code sections 3041.7 and 3043 to parties related to the life crime, or related to other crimes for which the parolee has been convicted as defined in Penal Code section 3043(a). No notices are required pursuant to Penal Code section 3042.

(g) Hearing Rights. At Penal Code section 3000.1 proceedings, the parolee shall be provided all hearing rights in accordance with Penal Code section 3041.5, with the exception of subdivisions (b)(3) and (d), and shall be provided all hearing rights in accordance with Penal Code section 3041.7, and California Code of Regulations, title 15, sections 2245 through 2256, or section 2367 for multijurisdiction parolees, as relevant.

(h) Hearing Panel. Penal Code section 3000.1 proceedings shall be heard by a panel of two or more commissioners or deputy commissioners, of which no more than one may be a deputy commissioner. En banc referrals shall be conducted in accordance with Penal Code section 3041.

(i) Review of Decision. Proposed decisions at Penal Code section 3000.1 proceedings are subject to decision review pursuant to California Code of Regulations, title 15, section 2041(h). Decisions are subject to the Governor's review pursuant to Penal Code sections 3041.1 and 3041.2.

(j) Parole Discharge. For purposes of a parolee's discharge from parole, a lawful determination that a parolee has committed a violation of law or violation of condition of parole shall be considered an interruption in parole for purposes of Penal Code sections 3000(b)(4), 3000.1(b), and 3001.

Note: Authority cited: Section 12838.4, Government Code; and Sections 3000(b)(4), 3000.1, 3052 and 5076.2, Penal Code. Reference: Sections 1203.2, 3000(b)(4), 3000.08(h), 3000.1, 3001, 3041.7, 3041, 3041.1, 3041.2, and 3043, Penal Code; and Sections 2041(h) and 2402, California Code of Regulations, Title 15.